

Remarks

In view of the foregoing amendments and these accompanying remarks, it is respectfully requested that this application be reconsidered.

In order to more particularly point out and distinctly claim the invention, Claims 1 – 47 are hereby canceled without prejudice and are replaced by new Claims 48- 69.

In the new independent claims a feature relating to capturing the flexible sleeve as the endoscope is retracted has been added. None of the cited references includes such a feature and therefore the present invention is new over the prior art.

The cited prior art references have been considered and Applicant respectfully disagrees with the conclusions of the Examiner. It is believed that the herein claimed Invention is patentably distinct and unobvious from the cited references.

Tovey (US Patent 6,416,462) neither discloses retaining of a sleeve within a dispenser, nor its capture when the sleeve is retracted. The element 14 is in fact an applicator, which tubular portion 30 only supports the sleeve but is not capable of and is not designed for retaining the sleeve inside when the insertion tube is protracted distally (as in the present invention) or capturing the sleeve when the insertion tube is retracted proximally.

As disclosed by Tovey in Figures 1 and 2, the tubular portion 30 of the applicator 14 enters the proximal end 16 of the sheath 12. This is in contradistinction to the herein claimed invention. In the herein claimed invention, the sleeve 26 is held within the interior of the dispenser 24.

Fiore (US Publication 2001/0007060) discloses a so-called everting sleeve, while Szabo (US Patent 5,325,846) discloses a so-called feeding-out sleeve. The principle of deployment in both cases is different and the references are absolutely not combinable, not to mention that none of them contains any teaching, suggestion or motivation for such a combination.

Perkins (US Patent 5,496,462) does not teach retracting of the insertion tube in the proximal direction. The cited by the Examiner excerpts refer to displacement of the drape in proximal and distal direction, but not of the insertion tube. Furthermore, Tovey is not combinable with Perkins since in Tovey the sleeve is folded radially as a concertina, while in Perkins the drape is folded axially back and forth.

Takahashi (US Patent 5,050,585) is not combinable with Tovey, since in Takahashi the sleeve is extendable by rolling up distally from tubular configuration into an annular configuration, while in Tovey the sleeve is extendable by virtue of folding out proximally from a folded upon itself “accordion” like configuration into an unfolded configuration.

There is no teaching, incentive or motivation in Butler (US Publication 2003/0069472) to combine with Tovey. The references are not combinable since Tovey discloses an extendable sleeve, while Butler employs an elongate tubular sheath 80, which is not extendable from a folded position.

Carillo (US Patent 6,663,598) cannot be combined with Tovey or with Butler, since none of them employs inflation for extending the sleeve. Furthermore, as explained above Tovey is not combinable with Butler.

Tovey is not combinable with Wilk (US Patent 5,746,694), since Tovey employs an initially folded extendable sleeve, while Wilk employs a thin walled tubular liner, which is not folded in the initial state.

The cited references being taken alone or in combination are relevant to none of the claims of the present invention. Aside of already mentioned irrelevance of the references themselves and the fact that they are not combinable, the unusually large amount of references also evidences in favor of unobviousness.

Accordingly, Applicant submits that none of the references, whether taken singly or in combination, anticipates or obviates the herein claimed invention.

Therefore, it is respectfully urged that the application be reconsidered, that the rejections be withdrawn and that all of the pending claims be allowed.

Dated: January 30, 2008

Respectfully submitted,

Lilling & Lilling P.C.
Customer No. 24101

By /Bruce E. Lilling/
Bruce E. Lilling
(Reg. No. 27,656)
P.O. Box 560
Goldens Bridge, New York 10526
Phone (914) 684-0600
Bruce@Lilling.com